

UTILITIES DIVISION[199]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to Iowa Code section 17A.4, the Utilities Board gives notice that on May 18, 2016, the Board issued in Docket No. RMU-2015-0002, In re: Amendments to Telecommunications Service Regulations [199 IAC 22], an “Order Commencing Rulemaking,” proposing to update the Board’s rules regarding the provision of telecommunications services.

To develop these proposed amendments to Chapter 22, the Board sought early input from stakeholders. On October 2, 2015, the Board issued an “Order Scheduling Workshop” in the abovementioned docket to initiate the process of amending its administrative rules to address modifications that would apply technology-neutral standards to all telecommunications services as well as to update generally all of the rules in Chapter 22.

The Board held a workshop on October 27, 2015, and invited interested persons and Board staff to discuss issues relating to changes to the rules in the chapter. At the conclusion of the workshop, the Board invited participants to file written comments memorializing their positions on issues discussed at the workshop, responding to new issues raised at the workshop, or responding to the positions of other participants expressed at the workshop. Postworkshop comments were received from eight participants.

After reviewing the postworkshop comments, the Board issued an “Order Seeking Additional Comments” on January 29, 2016. In that order, the Board proposed specific rule changes and identified general issues where additional stakeholder comment was sought. Additional comments were received from nine participants.

In addition to comments on these proposed amendments, the Board seeks additional comments regarding its continued regulatory approach to voice over Internet protocol (VoIP) and whether the proposed amendments to Chapter 22 achieve a neutral regulatory application to varying technologies providing local exchange services. Specifically, the Board is interested in receiving comments that may include, but are not limited to, information regarding the status of local exchange service competition in Iowa, the availability of VoIP services throughout Iowa, whether investment in IP networks has been inhibited by the Board’s current regulatory approach over VoIP services, the functional differences between nomadic and nonnomadic VoIP services, and whether the proposed amendments to Chapter 22 create a more level regulatory field for the provision of local exchange service regardless of the technology used to provide that service.

The order approving this Notice of Intended Action and commencing this rule making can be found on the Board’s Electronic Filing System (EFS) Web site, <http://efs.iowa.gov>, in Docket No. RMU-2015-0002.

Pursuant to Iowa Code sections 17A.4(1)“a” and 17A.4(1)“b,” any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before July 1, 2016. The statement should be filed electronically through the Board’s EFS Web site. Instructions for making an electronic filing can be found on the EFS Web site at <http://efs.iowa.gov>. Any person who does not have access to the Internet may file comments on paper pursuant to 199 IAC 14.4(5). An original and ten copies of paper comments must be filed. Both electronic and written filings shall comply with the format requirements in 199 IAC 2.2(2) and clearly state the author’s name and address and make specific reference to Docket No. RMU-2015-0002. All paper communications should be directed to the Executive Secretary, Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069.

An opportunity for interested persons to present oral comments on the proposed amendments will be held at 9 a.m. on Tuesday, August 9, 2016, in the Board's hearing room at the address listed above. Persons with disabilities who require assistive services or devices to observe or participate should contact the Board at (515)725-7334 at least five days in advance of the scheduled date to request that appropriate arrangements be made.

After analysis and review of this rule making, the Board tentatively concludes that the proposed amendments, if adopted, will not have a detrimental effect on jobs in Iowa.

These amendments are intended to implement Iowa Code section 17A.4.

The following amendments are proposed.

ITEM 1. Amend subrule 22.1(3) as follows:

22.1(3) Definitions. For administration and interpretation of these rules, the following words and terms shall have the meaning indicated below:

"Active account" refers to a customer who is currently receiving telephone service, or one whose service has been temporarily disconnected (vacation, nonpayment, storm damage, etc.).

"Adjacent exchange service" is local telephone service, including extended area service, provided to a customer via direct facility connection to an exchange contiguous to the exchange in which the customer is located.

~~*"Average busy season, busy-hour traffic"* means the average traffic volume for the busy season, busy hours.~~

"Board" means the Iowa utilities board.

"Business service" means the service furnished to customers where the use is substantially of a business, professional, institutional, or occupational nature, rather than a social and domestic nature.

~~*"Busy-hour"* means the two consecutive half hours during which the greatest volume of traffic is handled in the office.~~

~~*"Busy season"* means that period of the year during which the greatest volume of traffic is handled in the office.~~

"Calls" means telephone messages attempted by customers or users.

~~*"Central office"* means a unit in a telephone system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only. There may be more than one central office in a building.~~

~~*"Central office access line"* means a circuit extending from the central office equipment to the demarcation point.~~

~~*"Channel"* means an electrical path suitable for the transmission of communications.~~

"Check of service" or *"service check"* means an examination, test or other method utilized to determine the condition of customer-provided terminal equipment and existing or new inside station wiring.

"Class of service" means the various categories of service generally available to customers, such as business or residence.

~~*"Competitive Local Exchange Carrier"*~~ *local exchange carrier* or *"CLEC"* means a utility, other than an incumbent local exchange carrier, that provides local exchange service pursuant to an authorized certificate of public convenience and necessity.

"Customer" means any person, firm, association, corporation, agency of the federal, state or local government, or legal entity responsible by law for payment for communication service from the telephone utility.

"Customer provision" means customer purchase or lease of terminal equipment or inside station wiring from the telephone utility or from any other supplier.

~~*"Delinquent or delinquency"*~~ or *"delinquency"* means an account for which a bill or payment agreement for regulated services or equipment has not been paid in full on or before the last day for timely payment.

~~*"Demarcation point"* means the point of connection provided and maintained by the telephone utility to which inside station wiring becomes dedicated to an individual building or facility. For an individual~~

~~dwelling, this point of connection will generally be immediately adjacent to, or within 12 inches of, the protector or the dwelling side of the protector. The drop and block, including the protector, will continue to be provided by and remain the property of the telephone utility. In the instance where a physical protector does not exist at the point of cable entrance into the building or facility, the demarcation point is defined as the entrance point of the cable into the building or facility~~ the physical point at which a utility's public network ends and the customer's personal network begins. The demarcation point defines where the utility's responsibility for maintenance ends and the consumer's responsibility begins.

"Disconnect" means the disabling of circuitry preventing both outgoing and incoming communications.

"Due date" means the last day for payment without unpaid amounts being subject to a late payment charge or additional collection efforts.

"Exchange" means a unit established by a telephone utility for the administration of communication services.

"Exchange service" means communication service furnished by means of exchange plant and facilities.

"Exchange service area" or *"exchange area"* means the general area in which the telephone utility holds itself out to furnish exchange telephone service.

~~*"Extended area service"* means telephone service, furnished at flat rates, between end user customers located within an exchange area and all of the end user customers of an additional exchange area. Extended area service is only for calls both originating and terminating within the defined extended area.~~

"Foreign exchange service" means exchange service furnished a customer from an exchange other than the exchange regularly serving the area in which the customer is located.

"Former account" refers to a customer whose service has been permanently disconnected, and the final bill either has been paid or has been written off to the reserve for uncollectible accounts.

~~*"Held order for primary service"* means an application for establishment of primary service to a local exchange utility using its existing facilities to provide service not filled within five business days of the customer-requested date, or within 15 business days of the customer-requested date, where no facilities are available. During the period a local exchange utility provides equivalent alternative service, the customer's order for primary service shall not be considered a held order.~~

~~*"Held order for secondary service"* means an application for establishment of secondary service to a local exchange utility using its facilities to provide service not filled within 30 business days or the customer-requested date, whichever is later.~~

"High-volume access service (HVAS)" or *"HVAS"* is any service that results in an increase in total billings for intrastate exchange access for a local exchange utility in excess of 100 percent in less than six months. By way of illustration and not limitation, HVAS typically results in significant increases in interexchange call volumes and can include chat lines, conference bridges, call center operations, help desk provisioning, or similar operations. These services may be advertised to consumers as being free or for the cost of a long-distance call. The call service operators often provide marketing activities for HVAS in exchange for direct payments, revenue sharing, concessions, or commissions from local service providers.

"Inactive account" refers to a customer whose service has been permanently disconnected and whose account has not been settled either by payment or refund.

~~*"Incumbent Local Exchange Carrier"*~~ *local exchange carrier* or *"ILEC"* means a utility, or successor to such utility, that was the historical provider of local exchange service pursuant to an authorized certificate of public convenience and necessity within a specific geographic area described in maps approved by the board as of September 30, 1992.

"Interexchange service" is the provision of intrastate telecommunications services and facilities between local exchanges, ~~and does not include EAS.~~

"Interexchange utility" means a utility, a resale carrier or other entity that provides intrastate telecommunications services and facilities between exchanges within Iowa, without regard to how such

traffic is carried. A local exchange utility that provides exchange service may also be considered an interexchange utility.

"InterLATA toll service" means toll service that originates and terminates between local access transport areas.

"IntraLATA toll service" means toll service that originates and terminates within the same local access transport area.

"Intrastate access services" are services of telephone utilities which provide the capability to deliver intrastate telecommunications services which originate from end-users to interexchange utilities and the capability to deliver intrastate telecommunications services from interexchange utilities to end-users.

"Local exchange service" means telephone service furnished between customers or users located within an exchange area.

"Local exchange utility" means a telephone utility that provides local exchange service under an authorized certificate of public convenience and necessity. The utility may also provide other services and facilities such as access services.

"Message" means a completed telephone call by a customer or user.

~~*"Outside plant"* means the telephone equipment and facilities installed on, along, or under streets, alleys, highways, and private rights-of-way between customer locations, central offices or the central office and customer location.~~

~~*"Percentage of fill"* means the ratio of circuits and equipment in use to the total available multiplied by 100.~~

"Premises" means the space occupied by an individual customer in a building, in adjoining buildings occupied entirely by that customer, or on contiguous property occupied by the customer separated only by a public thoroughfare, a railroad right-of-way, or a natural barrier.

~~*"Primary service"* means the initial access to the public switched network.~~

~~*"Protector"* means a utility-owned electrical device located in the central office, at a customer's premises or anywhere along any telephone facilities which protects both the telephone utility's and the customer's property and facilities from over-voltage and over-current by shunting such excessive voltage and currents to ground.~~

"Rates" shall mean amounts billed to customers for local exchange service and alternative operator services.

"Retail services" means those communications services furnished by a telephone utility directly to end-user customers. For an alternative operator services company utility, the terms and conditions of its retail services are addressed in an approved intrastate tariff. For a local exchange utility, the terms and conditions of its retail services are typically addressed in a retail catalog or other format, which is not subject to board approval.

~~*"Secondary service"* means services or facilities not classified as primary service.~~

"Suspend Suspension" means temporary disconnection or impairment of service which shall disable either outgoing or incoming communications, or both.

"Switching service" means switching performed for service lines.

"Tariff" means the entire body of rates, classifications, rules, procedures, policies, etc., adopted and filed with the board by a local exchange utility for wholesale services, not governed by an interconnection agreement or commercial agreement, or by an alternative operator services company for retail services, in fulfilling its role of furnishing communications services.

~~*"Telephone station"* means the telephone instrument connected to the network.~~

"Telephone utility" or *"utility"* means any person, partnership, business association, or corporation, domestic or foreign, owning or operating any facilities for furnishing communications service to the public for compensation.

~~*"Terminal equipment"* means all telephone instruments, including pay telephone equipment, the common equipment of large and small key and PBX systems and other devices and apparatus, and associated wirings, which are intended to be connected electrically, acoustically or inductively to the telecommunication system of the telephone utility.~~

“Timely payment” is a payment on a customer’s account made on or before the due date shown: (1) ~~On~~ on a current bill for rates and charges, or (2) by an agreement between the customer and a utility for a series of partial payments to settle a delinquent account.

“Toll connecting trunks” ~~means a general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office.~~

“Toll message” means a message made between different exchange areas for which a charge is made, excluding message rate service charges.

“Traffic” means telephone call volume, based on number and duration of calls.

“Traffic grade of service” ~~means the decimal fraction representing the probability of a call being blocked by an all trunks busy condition during the average busy season, busy hour.~~

“Transitional intrastate access service” means annual reductions affecting terminating end office access service that was subject to intrastate access rates as of December 31, 2011; terminating tandem-switched transport access service subject to intrastate access rates as of December 31, 2011; and originating and terminating dedicated transport access service subject to intrastate access rates as of December 31, 2011.

“Trouble report” means any call or written statement from a customer or user of telephone service relating to a physical defect or to difficulty or dissatisfaction with the operation of telephone facilities.

“Wholesale services” means those communications services furnished by one telephone utility to another provider of communications services. The terms and conditions of wholesale services may be addressed in a telephone utility’s approved intrastate access tariff, local interconnection tariff, interconnection agreement reached under Sections 251 and 252 of the federal Telecommunications Act, or in a commercial agreement reached between the providers.

ITEM 2. Amend subrule 22.1(4) as follows:

22.1(4) Abbreviations.

AOS—Alternative Operator Services

EAS—Extended Area Service

PBX—Private Branch Exchange

ITEM 3. Amend paragraph **22.1(6)“a”** as follows:

a. The board, in the dockets shown in subparagraphs (1) to (14) (15), deregulated the following services. Persons interested in determining the precise extent of deregulation in each docket should refer to the board dockets identified in this list. This list is provided for information only. Subsequent orders in these or other dockets may have modified the scope and manner of deregulation. Exclusion of an order or a statutory provision from this list in no way alters the effectiveness of such order or statutory provision.

(1) to (14) No change.

(15) Telecommunications services provided by voice over Internet protocol. Docket No. RMU-2015-0002. Effective [effective date of these amendments].

ITEM 4. Amend subrule 22.2(6) as follows:

22.2(6) Information to be filed with the board.

~~a.~~ Each utility shall file with the board the name, title, address, and telephone number of the person who is authorized to receive, act upon, and respond to communications from the board in connection with the following:

(1) a. General management duties.

(2) b. Customer relations (complaints).

(3) c. Engineering operations.

(4) ~~Outages, including those occurring during nonoffice hours, pursuant to paragraph 22.2(8)“d.”~~

~~b. A copy of a new directory being distributed to customers.~~

ITEM 5. Amend rule 199—22.3(476) as follows:

199—22.3(476) General service requirements. The requirements of this rule do not apply to intrastate access service.

22.3(1) Directories. All directories published after the effective date of these rules shall conform to the following:

a.—Telephone directories shall be published not less than annually, except for good cause shown, listing the name, address and telephone number of all customers unless otherwise requested by the customer. A local exchange carrier serving an exchange may choose not to publish a telephone directory if the local exchange carrier makes arrangements for publication in a directory that is commonly available in the local exchange in question.

b.—Upon issuance, a copy of each directory shall be distributed without charge to all of the utility's customers locally served by that directory.

c.—The year of issue or effective dates shall appear on the front cover and, if space permits, on the binding. Information pertaining to emergency calls, such as for the police and fire departments, for each exchange listed in the directory shall appear conspicuously on the front side of the first page of the directory. The directory shall also show a summary of the names of listed exchanges.

d.—The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and information services, and location of telephone utility business offices as may be appropriate to the area served by the directory. A statement shall be included that the utility will verify the condition of a line if requested by a customer and whether any charge will apply. The directory must indicate how to order 900 and 976 blocking and indicate that the first block is without charge. The directory shall contain descriptions of all current N11 services.

e.—Directory assistance or intercept operators shall maintain records of all telephone numbers (except telephone numbers not listed or published at customer request) in the area for which they are responsible for furnishing information service.

f.—In the event of an error or omission in the name or number listing of a customer, that customer's correct name and telephone number shall be furnished to the calling party either upon request to or interception by the telephone utility.

g.—When additions or changes in plant, records, or operations which will necessitate a large group of number changes are scheduled, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

h.—For any exchange in which an extended area call can terminate, the terminating exchange telephone utility shall provide all recently compiled directory listings, except listings for nonpublished or nonlisted customers, to the utility from which the extended area call originates. The telephone utility shall provide the directory listing without charge, within 30 days of receipt of a written request for those listings.

i.—In addition to the serving exchange directory listing required under 22.3(1)“a,” upon the customer's request, an Iowa customer served by an out-of-state exchange shall be included in the directory list of one contiguous Iowa exchange of the customer's choice. Any charge for such Iowa listing shall be paid by the serving exchange.

22.3(2) Service check. Upon the individual customer's request, each telephone utility shall perform a service checkup to the demarcation point, without charge to the customer.

22.3(3) Class of service. Rescinded IAB 12/21/05, effective 1/25/06.

22.3(4) Compliance. Rescinded IAB 12/21/05, effective 1/25/06.

22.3(5) Pay telephone services and facilities. All telephone utilities shall make available to customers provisions for the interconnection of pay telephone equipment. A separate access line shall not be required for pay telephone equipment.

22.3(6) Extension plan. Each utility shall develop a plan, acceptable to the board, for the extensions of facilities, where they are in excess of those included in the regular rates for service and for which the customer shall be required to pay all or part of the cost. The cost required to be paid by the customer shall be the revenue received by the telephone utility for the extension of plant and shall include a grossed-up amount for the income tax effect of such revenue. The amount of tax shall be reduced by the present value of the tax benefits to be obtained by depreciating the property in determining the tax liability. This plan must be related to the investment that prudently can be made for the probable revenue. No utility shall make or refuse to make any extensions except as permitted by the approved extension plan.

~~22.3(7)~~ Reserved.

~~22.3(8)~~ *Traffic rules.* Rescinded IAB 12/21/05, effective 1/25/06.

~~22.3(9)~~ *"Directory assistance."* Rescinded IAB 12/21/05, effective 1/25/06.

~~22.3(10)~~ 22.3(1) *Nonworking numbers.* All nonworking numbers shall be placed upon an adequate intercept where existing equipment allows.

~~22.3(11)~~ 22.3(2) *Assignment of numbers.* Numbers shall be assigned in accordance with applicable Federal Communications Commission rules.

a.—No telephone number shall be reassigned to a different customer within 60 days from the date of permanent disconnect.

b.—For customers assigned a new number within the exchange, the former working number intercept shall provide the new number to a calling party for not less than 60 days or until the issuance of a new directory. No new number information shall be provided if the customer so requests.

EXCEPTION: When a change in number is required by a telephone utility due to nonpayment of yellow page advertising, the intercept is not required to volunteer the new number to callers. The new number shall be provided to callers of the directory assistance operator.

c.—If the number assigned a customer results in wrong number calls sufficient in volume to be a nuisance, the number shall be changed at no charge.

~~22.3(12)~~ 22.3(3) *Ordering and transferring of service.* All local exchange utilities shall establish terms and conditions for ordering and transferring local exchange service.

~~22.3(13)~~ *Basic local service.* Rescinded IAB 12/21/05, effective 1/25/06.

~~22.3(14)~~ 22.3(4) *Adjacent exchange service.* All local exchange utilities shall allow customers to establish adjacent exchange service.

a. to c. No change.

ITEM 6. Amend rule 199—22.4(476) as follows:

199—22.4(476) Customer relations.

22.4(1) *Customer information.*

a. Each utility shall:

(1) Maintain up-to-date maps, plans, or records of its entire exchange ~~systems~~ system. These maps shall be available for board examination at a location within Iowa during regular office hours and will be provided to the board upon request. These are not the same maps as the boundary maps described in subrule 22.20(3).

(2) ~~Whenever a residential customer or prospective residential customer requests local exchange service from a utility, and the customer indicates a desire to be informed of the lowest priced service alternatives available for local exchange service, the utility shall inform that customer of the lowest priced alternative available from that utility, based only on monthly recurring rates for flat-rated services, at the relevant location.~~ Upon their request, inform residential or prospective residential customers who request local exchange service of the lowest priced alternative available for local exchange service, based only on monthly recurring rates for flat-rated services at the relevant location.

(3) Notify customers affected by a change in rates or schedule classification.

(4) On a monthly basis, track service connection, held order, and service interruption performance by wire centers. Records will be provided upon request of the board and will be retained by the utility for two years.

(5) Keep records on repair intervals for out-of-service trouble reports on voice services. When interruptions in service occur, service restoration priority shall be given to a residential customer who states that telephone service is essential due to an existing medical emergency of the customer, a member of the customer's family, or any permanent resident of the premises where service is rendered.

(4) (6) Furnish such additional information as the customer may reasonably request.

b. Inquiries for information or complaints to a utility shall be resolved promptly and courteously. Employees who receive customer telephone calls and office visits shall be qualified and trained in screening and resolving complaints, to avoid a preliminary recitation of the entire complaint to

employees without ability and authority to act. The employee shall provide identification to the customer.

Unless a customer agrees to an alternative form of notice, local exchange utilities shall notify their customers, by bill insert or notice on the bill form, of the address and telephone number where a utility representative qualified to assist in resolving the complaint can be reached. The bill insert or notice shall also include the following statement: "If (utility name) does not resolve your complaint, the service may be subject to state regulation. You may request assistance from the Iowa Utilities Board by writing to Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069, by calling (515)725-7321 or toll-free 1-877-565-4450, or by E-mail to customer@iub.iowa.gov."

The bill insert or notice on the bill will be provided no less than annually. A telephone utility which provides local exchange service and issues an annual directory shall publish the information set forth above in its directory in addition to a mailing.

c. A telephone utility that chooses to no longer provide or distribute a printed directory shall develop a plan to help requesting customers transition from the printed directory to digital, online, or other alternative at no cost to the customer. The plan shall include a link to the directory and shall be made available to the board upon request.

22.4(2) Customer deposits. Each utility may require from any customer or prospective customer a deposit intended to guarantee payment of bills for service based on the customer's credit history. No deposit other than for local exchange service is required to obtain local exchange service. ~~The deposit must reflect the limits as to low income customers in 199—subparagraph 39.3(2)“b”(4).~~ Pursuant to 47 CFR § 54.401(c), utilities may not collect a deposit in order to initiate voice-only Lifeline service to qualifying customers.

a. Deposits for local exchange service shall not be more in amount than the maximum charge for two months of local exchange service, or as may reasonably be required by the utility in cases involving service for short periods of time or special occasions. ~~The deposit amounts must also reflect the limits as to low income customers in 199—subparagraph 39.3(2)“b”(4).~~ Pursuant to 47 CFR § 54.401(c), utilities may not collect a deposit in order to initiate voice-only Lifeline service to qualifying customers.

b. Interest on customer deposits. Interest on such deposits shall be computed at ~~4.0~~ 7.5 percent per annum, compounded annually. Interest shall be paid for the period beginning with the date of deposit to the date of refund or to the date that the deposit is applied to the customer's account, or to the date the customer's bill becomes permanently delinquent. The date of refund is that date on which the refund or the notice of deposit refund is forwarded to the customer's last-known address. The date a customer's bill becomes permanently delinquent, relative to an account treated as an uncollectible account, is the most recent date the account became delinquent.

c. to i. No change.

22.4(3) Customer billing, timely payment, late payment charges, payment and collection efforts. Each utility shall comply with these minimum standards.

a. to l. No change.

22.4(4) No change.

22.4(5) Refusal or disconnection of service. Notice of a pending disconnection shall be rendered and local exchange service shall be refused or disconnected as set forth in these rules. The notice of pending disconnection required by these rules shall be a written notice setting forth the reason for the notice and the final date by which the account is to be settled or specific action taken.

The notice shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the notice shall be considered rendered when delivered to the last-known address of the person responsible for payment for the service. The final date shall be not less than five days after the notice is rendered.

One written notice, including all reasons for the notice, shall be given where more than one cause exists for refusal or disconnection of service. This notice shall include a toll-free or collect number where a utility representative qualified to provide additional information about the disconnection can be reached. The notice shall also state the final date by which the account is to be settled or other specific action taken. In determining the final date, the days of notice for the causes shall be concurrent.

Service may be refused or disconnected for any of the reasons listed below. Unless otherwise stated, the customer shall be provided notice of the pending disconnection and the rule violation which necessitates disconnection. Furthermore, unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is disconnected. Except as provided in 22.4(5) “a,” “b,” “c,” “d,” and “e,” no service shall be disconnected on the day preceding or the day on which the utility’s local business office or local authorized agent is closed. Service may be refused or disconnected:

a. to h. No change.

22.4(6) to 22.4(8) No change.

ITEM 7. Rescind and reserve rule **199—22.5(476)**.

ITEM 8. Amend rule 199—22.6(476) as follows:

199—22.6(476) Standards of quality of service. ~~The local exchange utility using its facilities to provide primary service will measure its service connection, held order, and service interruption performance monthly according to subrules 22.6(1), 22.6(2), and 22.6(3). Records of the measurements and any summaries thereof, by individual wire centers, will be provided upon request of the board. Records of these measurements will be retained by the utility for two years.~~

22.6(1) Service connection. Each local exchange utility using its facilities to provide providing local exchange service shall make all reasonable efforts to maintain a five-business-day standard for primary the connection of voice service or within by the customer-requested voice service connection date. All reasonable efforts to maintain the above standard shall be measured by the following:

a. ~~Eighty-five percent of all customers provided service within five business days of the request or the customer-requested date, whichever is later. Compliance will be measured based on a three-month rolling average.~~

b. ~~Ninety-five percent of all customers provided service within ten business days of the request or the customer-requested date, whichever is later. Compliance will be measured based on a three-month rolling average.~~

c. ~~Ninety-nine percent of all customers provided service within 30 business days of the request or the customer-requested date, whichever is later. Compliance will be measured based on a three-month rolling average.~~

22.6(2) Held orders.

a. During such period of time as a local exchange utility using its facilities to provide voice service may not be able to supply ~~primary~~ telephone service to prospective customers within five business days after the date applicant desires service, the telephone utility shall keep a record, by exchanges, showing the name and address of each applicant for service, the date of application, the date that service was requested, and the class of service applied for, together with the reason for the inability to provide new service to the applicant.

b. When, because of a shortage of facilities, a utility is unable to supply ~~primary telephone voice~~ service on the date requested by ~~applicants~~ the applicant, first priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the board may require establishment of a priority plan, subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made.

c. ~~When the local exchange utility using its facilities to provide service fails to provide primary local exchange service to any customer requesting service within 15 business days, the local exchange utility shall provide the customer with an alternative form of service until primary local exchange service can be provided. The alternative form of service provided shall be wireless telephone service unless the customer agrees otherwise.~~

d. ~~If an alternative form of primary service is provided, the local exchange utility is authorized to charge the customer the regular rates (if applicable) for the alternative primary service ordered, if such rates are less than the regulated rate for primary local exchange service. Otherwise, the customer will be charged the regulated rate for primary local exchange service. Where an alternative form of service is~~

~~impossible to provide, the facilities-based local exchange utility shall waive all usual installation charges and, once primary local exchange service is provided, shall credit the customer's account in an amount equal to the pro-rata monthly primary local exchange charge for each day service was not provided.~~

22.6(3) Service interruption.

~~a. Each telephone utility using its facilities to provide primary~~ providing local exchange service shall make all reasonable efforts to prevent interruptions of service. When interruptions are reported or found by the utility to occur, the utility shall reestablish service with the shortest possible delay. Priority shall be given to a residential customer who states that telephone service is essential due to an existing medical emergency of the customer, a member of the customer's family, or any permanent resident of the premises where service is rendered. All reasonable efforts shall be measured by the following:

~~(1) Eighty-five percent of all out-of-service trouble reports cleared within 24 hours. Compliance will be measured based on a three-month rolling average.~~

~~(2) Ninety-five percent of all out-of-service trouble reports cleared within 48 hours. Compliance will be measured based on a three-month rolling average.~~

~~(3) One hundred percent of all out-of-service trouble reports cleared within 72 hours.~~

~~(4) The response time for all utilities responsible to test and attempt to correct any interexchange trunk problem, except a total outage, shall be within 24 hours after the problem is reported. If the problem is not corrected within that time, the utility responsible for doing so shall keep all other affected telephone utilities advised as to the current status on a daily basis. For a total outage, the response time shall be immediate.~~

~~b. Arrangements shall be made to have adequate personnel and equipment available to receive and record trouble reports and also to clear trouble of an emergency nature at all times.~~

~~c. Calls directed to the published telephone numbers for service repair or the business offices of the telephone utility shall be acknowledge within 20 seconds for 85 percent of all such calls and within 40 seconds for 100 percent of all such calls.~~

~~d. If a customer's service must be interrupted due to maintenance, the utility shall notify the affected customer, in advance, if possible. The company shall perform the work to minimize inconvenience to the customer and strive to avoid interruptions when there is conversation on the line.~~

~~e. Each telephone utility shall keep a written record showing all interruptions affecting service in a major portion of an exchange area for a minimum of six years. This record shall show the date, time, duration, time cleared and extent and cause of the interruption. This record shall be available to the board upon request.~~

~~f. Whenever a trouble report is received, a record shall be made by the company and if repeated within a 30-day period by the same customer, the case shall be referred to an individual for permanent correction.~~

~~g. When a customer's service is reported or is found to be out of order, it shall be restored as promptly as possible.~~

~~h. Each local exchange utility using its facilities to provide service shall maintain its network to reasonably minimize customer trouble reports. The rate of customer trouble reports on the company side of the demarcation point will not exceed four per 100 access lines per month per wire center.~~

~~i. When a subscriber's service is interrupted and remains out of service for more than 24 consecutive hours after being reported to the local exchange company or being found by the company to be out of order, whichever occurs first, the company shall make appropriate adjustments to the subscriber's account. This rule does not apply if the outage occurs as a result of:~~

~~(1) A negligent or willful act on the part of the subscriber;~~

~~(2) A malfunction of subscriber-owned telephone equipment;~~

~~(3) Disasters or acts of God; or~~

~~(4) The inability of the company to gain access to the subscriber's premises.~~

~~The adjustment, either a direct payment or a bill credit, shall be the proportionate part of the monthly charges for all services and facilities rendered inoperative during the interruption. The adjustment shall~~

begin with the hour of the report or discovery of the interruption. Adjustments not in dispute shall be rendered within two billing periods after the billing period in which the interruption occurred.

~~22.6(4) Repair missed appointments.~~ When a utility makes an appointment for installation or repair within a given range of time, and misses that appointment by over an hour, the customer will receive one month's primary local service free of charge. This is applicable to each missed appointment.

~~22.6(5)~~ **22.6(4) Emergency operation.**

a. Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of power service, climate control, sudden and prolonged increases in traffic, illness of operators, or from fire, explosion, water, storm, or acts of God, and each telephone utility shall inform affected employees, at regular intervals not to exceed one year, of procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telephone service.

b. All central offices shall have adequate provision for emergency power. Each central office shall contain a minimum of two hours of battery reserve. For offices without permanently installed emergency power facilities, there shall be access to a mobile power unit with enough capacity to carry the load which can be delivered on reasonably short notice and which can be readily connected.

c. An auxiliary power unit shall be permanently installed in all toll centers and at all exchanges exceeding 4,000 access lines.

d. b. Each local exchange utility shall maintain and make available for board inspection, upon request, its current plans for emergency operations, including the names and telephone numbers of the local exchange utility's disaster services coordinator and alternates.

~~22.6(6) Business offices.~~

a. Each local exchange utility shall have one or more business offices or customer service centers staffed to provide customer access to qualified personnel, including supervisory personnel where warranted, to provide information relating to services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error, and, generally, to act as representatives of the local exchange utility. If one business office serves several exchanges, toll-free calling from those exchanges to that office shall be provided.

b. Upon the closing of any local exchange utility's public business office, the company must provide to the board, in writing, at least 30 days prior to the closing of the office the following information:

- (1) The exchange(s) and communities affected by the closing;
- (2) The date of the closing;
- (3) A listing of other methods and facility locations available for payment of subscribers' bills in the affected exchanges; and
- (4) A listing of other methods and locations available for obtaining public business office services.

ITEM 9. Amend rule 199—22.7(476) as follows:

199—22.7(476) Safety Protective measures.

~~22.7(1) Protective measures.~~

a. **22.7(1)** Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers or users and the general public may be subjected.

b. **22.7(2)** The utility shall give reasonable assistance to the board in the investigation of the cause of accidents and in the determination of suitable means of preventing accidents.

c. **22.7(3)** Each utility shall maintain a summary of all reportable accidents arising from its operations.

~~22.7(2) Safety program.~~ Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program should:

a. Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

b. Instruct employees in safe methods of performing their work.

c. Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

ITEM 10. Rescind and reserve rule **199—22.8(476)**.

ITEM 11. Rescind and reserve rule **199—22.9(476)**.

ITEM 12. Rescind and reserve rule **199—22.10(476)**.

ITEM 13. Rescind and reserve rule **199—22.11(476)**.

ITEM 14. Amend subparagraph **22.14(2)“d”(1)** as follows:

(1) Carrier common line charge. The rate for the intrastate carrier common line charge shall be three cents per access minute or fraction thereof for the originating segments of the communication unless a lower rate is required by the transitional intrastate access service reductions or if numbered paragraphs paragraph “1” and “2” are applicable. The carrier common line charge shall be assessed to exchange access made by an interexchange telephone utility, including resale carriers. In lieu of this charge, interconnected private systems shall pay for access as provided in 22.14(1)“b.”

1. Incumbent local exchange carrier intrastate access service tariffs shall include the originating carrier common line charges approved by the board.

~~2. A competitive local exchange carrier shall deduct the carrier common line charge from its intrastate access service tariff.~~

ITEM 15. Amend subrule 22.14(4) as follows:

22.14(4) *Notice of intrastate access service tariffs.*

a. Each telephone utility that files new or changed tariffs relating to access charges, or access service, ~~or the recording function associated with billing and collection for access services~~ shall give written notice of the new or changed tariffs to the utility’s interexchange utility access customers, the board, and the consumer advocate. Notice shall be given on or before the date of the filing of the tariff. The notice shall consist of: the file date, the proposed effective date, a description of the proposed changes, and the tariff section number where the service description is located. If two or more local exchange utilities concur in a single tariff filing, the local exchange utilities may send a joint written notice to the board, consumer advocate, and the interexchange utilities.

b. No change.

ITEM 16. Amend subrule 22.17(1) as follows:

22.17(1) Any landlord, owner, tenant association, or otherwise affiliated group shall be permitted to provide communications services within or between one or more buildings with a community of interest. The provision of this service will be treated as a deregulated service, if the following requirements are met:

a. No person within a building or facility providing resale services shall be denied access to the local exchange carrier. The local exchange carrier shall provide service ~~at normal tariffed rates~~ to the point of demarcation. The end-user shall be responsible for service beyond that point. However, no person shall unreasonably inhibit the end-user’s access to the local exchange carrier.

~~b. Telephone rates charged to resale providers of communications services under this rule shall be made on the same basis as business service.~~

~~c. b.~~ “Community of interest” will normally be indicated by joint or common ownership, but any other relevant factors may be considered.

ITEM 17. Amend subrule 22.20(1) as follows:

22.20(1) *Issuance of certificates of authority to utilities on or prior to September 30, 1992.* The initial nonexclusive certificate of authority will be issued by the board on or before September 30, 1992, to each land-line telephone utility providing local telecommunications service in Iowa. The certificate will authorize service within the territory as shown by boundary maps in effect on January 1, 1992, but will reference and include modifications approved by the board prior to the issuance of the certificate. ~~The certificate will be in the form of an order issued by the board and may be modified only by subsequent board orders.~~

If a utility disputes the boundary identified in the January 1, 1992, maps or in a certificate, it may file an objection with the board. After notice to interested persons and an opportunity for hearing, the board will determine the boundary.

ITEM 18. Amend subrule 22.20(2) as follows:

22.20(2) Procedures to revise maps and modify certificates. All territory in the state shall be served by a local exchange utility and inappropriate overlaps of service territories are to be avoided.

a. No change.

b. The boundary filing must include the name of each affected customer and justification for the proposed boundary, including a detailed statement of why the proposal is in the public interest. Prior to filing with the board, the serving utilities must notify interested persons of a convenient location where they can view the current and proposed maps, or copies of the maps covering their location must be mailed to them. The notice shall state the nature of the boundary filing and that any objections must be filed with the board through its electronic filing system or mailed to the board postmarked within 14 days of the mailing of the notice by the utility. The utility's filing shall also include a copy of the notice and the date on which the notice was mailed to customers.

c. No change.

d. If the utilities cannot agree on the boundary, or if an interested person timely files in the board's electronic filing system or mails material objections to the proposed boundary, the board will resolve the issues in contested case proceedings to revise the maps and modify the certificates after notice of the proceedings to all affected utilities and interested persons.

e. and f. No change.

ITEM 19. Amend paragraph **22.20(3)"a"** as follows:

a. ~~If a utility files~~ The scale of a paper boundary map, the map shall be on a scale of one inch to the mile. If a utility files a boundary map in an electronic format, the relevant scale shall be noted in the filing. Any revisions to a utility's boundary map shall be filed in an electronic format. Boundary maps shall include information equivalent to the county maps which are available from the Iowa department of transportation, showing all roads, railroads, waterways, plus township and range lines outside the municipalities. A larger scale shall be used where necessary to clarify areas. All map details shall be clean-cut and readable.

(1) to (4) No change.

ITEM 20. Rescind and reserve rule **199—22.21(476).**

ITEM 21. Amend subrule 22.23(2) as follows:

22.23(2) Prohibition of unauthorized changes in telecommunications service. Unauthorized changes in telecommunications service, including but not limited to cramming and slamming, are prohibited.

a. *Verification required.* No service provider shall submit a preferred carrier change order or other change in service order to another service provider unless and until the change has first been confirmed in accordance with one of the following procedures:

(1) to (5) No change.

b. *Letter of agency form and content.*

(1) No change.

(2) The letter of agency shall be a separate document (or an easily separable document) containing or located on a separate screen or Web page and contain only the authorizing language described in subparagraph (5) below having the sole purpose of authorizing a service provider to initiate a preferred service provider change. The letter of agency must be signed and dated by the customer to the telephone line(s) requesting the preferred service provider change.

(3) The letter of agency shall not be combined on the same document, screen, or Web page with inducements of any kind.

(4) to (8) No change.

c. No change.

d. Preferred carrier freezes.

(1) to (3) No change.

(4) Solicitation and imposition of preferred service provider freezes.

1. No change.

2. No local exchange carrier shall implement a preferred service provider freeze unless the customer's request to impose a freeze has first been confirmed in accordance with one of the following procedures:

- The local exchange carrier has obtained the customer's written ~~and~~ or electronically signed authorization in a form that meets the requirements of 22.23(2) "d"(4)"3"; or

- The local exchange carrier has obtained the customer's electronic authorization, placed from the telephone number(s) on which the preferred service provider freeze is to be imposed, to impose a preferred service provider freeze. The electronic authorization shall confirm appropriate verification data and the information required in 22.23(2) "d"(4)"3." Service providers electing to confirm preferred service provider freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a customer to a voice response unit, or similar mechanism that records the required information regarding the preferred service provider freeze request, including automatically recording the originating automatic numbering identification; or

- An appropriately qualified independent third party has obtained the customer's oral authorization to submit the preferred service provider freeze and confirmed the appropriate verification data and the information required in 22.23(2) "d"(4)"3." The independent third party must not be owned, managed, or directly controlled by the service provider or the service provider's marketing agent; must not have any financial incentive to confirm preferred service provider freeze requests for the service provider or the service provider's marketing agent; and must operate in a location physically separate from the service provider or the service provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the customer has authorized a preferred service provider freeze.

3. No change.

(5) All local exchange service providers who offer preferred service provider freezes must, at a minimum, offer customers the following procedures for lifting a preferred service provider freeze:

1. A local exchange service provider administering a preferred service provider freeze must accept a customer's written ~~and~~ or electronically signed authorization stating the intention to lift a preferred service provider freeze; and

2. No change.

e. Procedures in the event of sale or transfer of customer base. A telecommunications carrier may acquire, through a sale or transfer, either part or all of another telecommunications carrier's customer base without obtaining each customer's authorization in accordance with 199 IAC 22.23(2) "a," provided that the acquiring carrier complies with the following procedures. A telecommunications carrier may not use these procedures for any fraudulent purpose, including any attempt to avoid liability for violations under 199 IAC 22.23(2) "a."

(1) to (3) No change.

ITEM 22. Amend paragraph **22.23(5)"c"** as follows:

c. Collection. A civil penalty collected pursuant to this subrule shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the general revolving fund of the state and to be used only for consumer education programs administered by the board.